



## MILPITAS PLANNING COMMISSION STAFF REPORT

December 10, 2014

---

**APPLICATION:** MILPITAS CM COLLEGE – 102 S. ABEL STREET -  
CONDITIONAL USE PERMIT NO. UP14-0018 – A request to  
operate a 3,000 square foot cosmetology school within an  
existing commercial center.

**RECOMMENDATION:** Staff recommends that the Planning Commission:  
Adopt Resolution No. 14-039 approving Conditional Use  
Permit No. UP14-0018 to allow for a 3,000 square foot  
cosmetology school.

**LOCATION:**  
Address/APN: 102 S. Abel Street (APN 22-24-045)  
Area of City: Located within the Midtown Specific Plan Area at the southeast  
corner of SR 237/Calaveras Blvd Overpass and S. Abel Street  
Intersection.

**PEOPLE:**  
Project Applicant/ Business Owner: Ninh Nguyen, Milpitas CM College  
Property Owner: Albert J. Witt, Jr.  
Project Planner: Cindy Hom, Assistant Planner

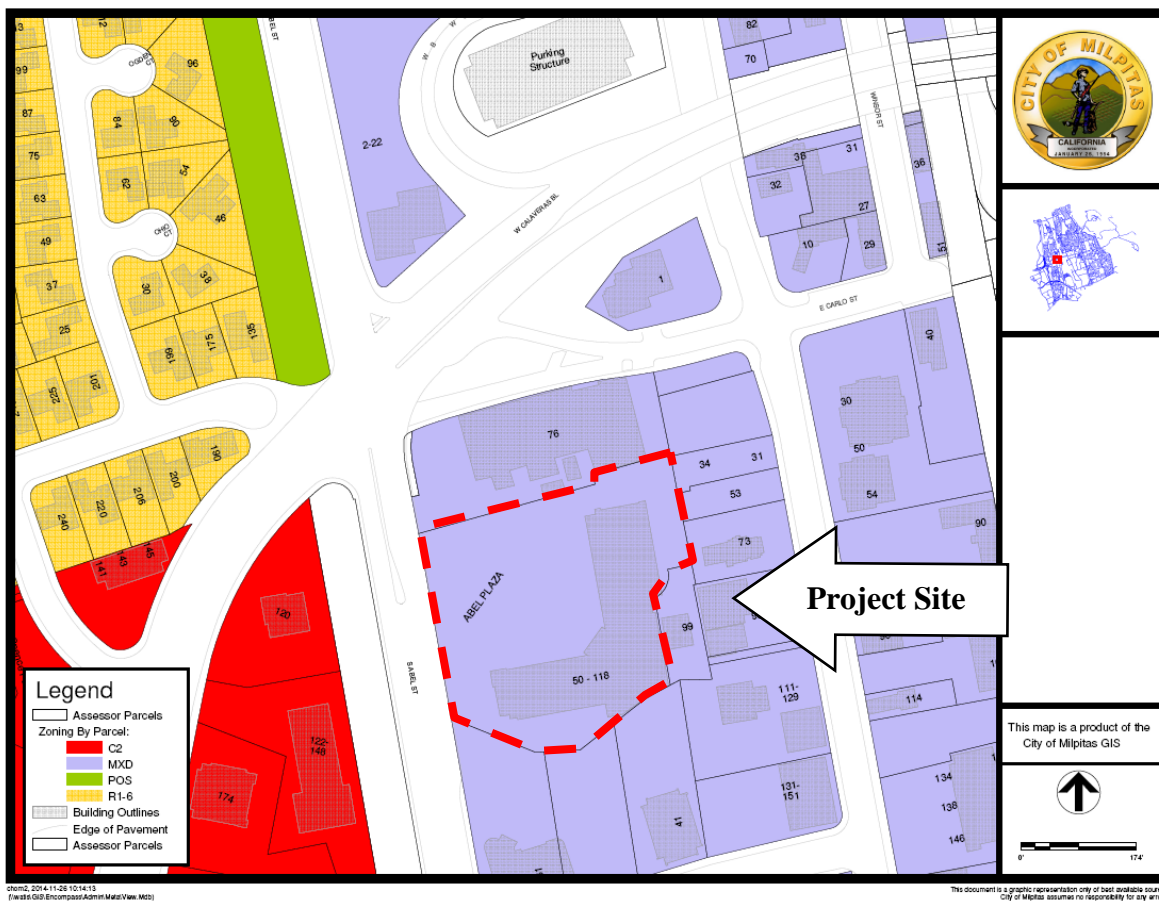
**LAND USE:**  
General Plan Designation: Mixed Use Development (MXD)  
Zoning District: Mixed Use Development (MXD)  
Overlay District: Site and Architectural Overlay (-S)

**ENVIRONMENTAL:** Categorically Exempt from further environmental review pursuant  
to Section 15301 (Existing Facilities) of the California  
Environmental Quality Act (CEQA).

## EXECUTIVE SUMMARY

The applicant is requesting a Conditional Use Permit to allow for the operations of a 3,000 square foot cosmetology school within an existing commercial center located at 102 S. Abel Street. The school would include a reception area, twenty hair stations, six shampoo stations, 9 drying stations, and other ancillary space requirements (restrooms, storage space, etc.) as shown on the project plans. The school is also proposed to be used as a barbershop and beauty salon. The project proposes no interior or exterior changes to the building or site considering the site is currently equipped and operating as a beauty salon.

### Map 1 Project Location



**Map 2**  
**Project Site**



**Photo 1: Street View from S. Abel Street**





## **BACKGROUND**

---

### ***History***

The Planning Commission approved the Abel Plaza Shopping Center and Sign Program on December 1, 1983 which was appealed to the City Council. The City Council approved the Abel Plaza Shopping Center consisting of a 32,038 square foot building with seventeen (17) tenant spaces on January 3, 1984. Subsequent City approvals and amendments over the years include conditional use permits for numerous restaurants, grocery store, alcohol sales and site modifications to the parking field and landscaping located at the shopping center. Additionally, the Planning Commission approved a new sign program on July 18, 1985. A new monument sign was approved on November 6, 2002. Currently, there are various restaurants, office, retail shops, and a massage college located at the shopping center.

The Planning Commission approved Conditional Use Permit No. UP1517 in August 1999 for a 1,440 square grocery store with video rentals located at the Project site at 102 S. Abel Street. Subsequently, the Planning Commission approved Conditional Use Permit Amendment No. UA2005-12 in September 2005 to allow for the sale of alcohol at the Project site.

On January 16, 2014, Building Permit No. BP14-0009 was approved to convert the Project site and the adjacent space located at 98 S. Abel Street into a 3,000 square foot beauty salon. No Planning approval was required because a beauty salon is a permitted use at the Project site.

The applicant also operates a 1,440 square foot massage college in the neighboring tenant space located at 106 S. Abel Street that was granted by Planning Commission in March 2012 with a conditional use permit (UP12-0002).

### ***The Application***

On September 25, 2014, Ninh Thi Nguyen with Milpitas CM College submitted an application pursuant to Section 57 of the Milpitas Zoning Code for Planning Commission review and approval of a conditional use permit to allow for the operations of a 3,000 square foot cosmetology school to be located at 102 S. Abel Street. If approved, Conditional Use Permit No. UP14-0013 would rescind and supersede all previous planning entitlements for the grocery store and alcohol sales that were granted by Conditional Use Permit. UP1517 and Conditional Use Permit Amendment No. UA2005-12.

## **PROJECT DESCRIPTION**

---

### ***Overview***

The proposed cosmetology school will be located in the existing 3,000 square foot tenant space and includes a reception area, twenty (20) hair stations, six (6) shampoo stations, nine (9) drying stations, and other ancillary space. The applicant anticipates approximately 20 students and 3 instructors. The school would be open Tuesday to Saturday between the hours of 8AM to 4:30PM and closed on Mondays and Sundays. There are no proposed exterior changes or site modifications.

### ***Location and Context***

The subject site is located at the southeast corner of the West Calaveras/SR 237 and S. Abel Street intersection. The site is approximately 3.11 acres with a zoning designation of Mixed Use

Development (MXD) with an “S”-Zone overlay (-S). This site is currently developed with a one story commercial building that includes various restaurants and retail tenants as well as a 1,440 square foot massage school. The site currently provides a total 173 parking space and mature landscaping around the perimeter of the site and parking lot area. The project site is bounded by S. Abel Street to the west, a commercial office building to the north, various commercial establishments, a motel and Buddhist Temple to the east, retail and office buildings to the south. Surrounding land uses includes General Commercial and Single Family Residential to the west and northwest and Mixed Use zoning to the north, east and south. A vicinity and location map of the subject site location is included on Page 2 and 3 of the staff report.

## **PROJECT ANALYSIS**

---

### ***General Plan and Zoning Conformance***

The General Plan and Zoning Designation for this site is Mixed Use Development (MXD) which allows for a mix of commercial and residential uses. The MXD Zoning District allow various commercial services such as beauty salons and professional offices as permitted uses provided the said uses meets the Commercial Services performance standards. The MXD Zoning District also conditionally permits vocational and trade schools with Planning Commission approval of a conditional use permit. The purpose and intent of the Mixed Use Zoning District is to encourage a compatible mix of residential, retail, entertainment, office, and commercial service use within the framework of a pedestrian oriented streetscape. The project is consistent with this designation in that proposed cosmetology school provides diversity in the types of commercial services the city has to offer to the community and neighboring residents. The project would fulfill a community need for educational enrichment.

The project is consistent with the Milpitas Zoning Code in terms of land use. Beauty salons are permitted uses in the MXD Zoning District. The proposed trade and vocational schools are conditionally permitted uses in the Mixed Use Zoning District. The project complies with the Mixed Use development standards and parking requirements as describe in the sections below.

### ***Midtown Specific Plan***

The project is located within the Midtown Specific Plan area and is consistent with its land use goals which encourage a compatible mix of residential, office, service-oriented commercial and industrial uses within the Midtown area. The project entails the operations of a cosmetology school within an existing commercial center. The proposed cosmetology school provides a complementary use with the various restaurants, commercial services and retail shops along the Abel and Main Street corridor.

### ***Development Standards***

As mentioned, the project will not change any of the existing building setbacks, floor area ratio, height, or existing landscaping. Compliance with the current development standards for the Mixed Use Zoning District is summarized in Table 1 below.

**Table 1:**  
**Summary of Development Standards**

	<b>Standard</b>	<b>Existing</b>	<b>Complies?</b>
<u>Setbacks</u> (Minimum)			
Front	8-15 feet from the back of walk	52'	Yes
Interior	10 feet	32' and 37'	Yes
Rear	10 feet	46'	Yes
<u>Floor Area Ratio</u> (Maximum)	.75	.23	Yes
<u>Building Height</u> (Maximum)	3 stories and 45-feet	One story	Yes

***Parking***

The commercial center was originally parked at a ratio of 1 space per 200 square feet of retail. As such, fifteen (15) spaces have been allocated to this tenant space. The beauty salon and proposed trade school requires the same amount of parking in that both uses require a parking ratio of 1 space per 200 square feet of use. The project requires the same number of parking spaces as the previous retail use and doesn't require additional parking to be provided. As such, the project complies with the parking requirements.

**FINDINGS FOR APPROVAL**

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

***Conditional Use Permit (Section XI-10-57.04(F))***

- i. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

As discussed in detail above, the proposed project will not be detrimental or injurious to property or improvements in the vicinity nor to public health, safety and general welfare in that the proposed cosmetology school is a compatible use with the existing retail, restaurants and Massage College currently operating at the commercial center. The project does not propose any exterior or site modifications that would affect existing access and site circulation.

- ii. The project is consistent with the Milpitas Zoning Ordinance.*

The proposed project is consistent with the Milpitas Zoning Ordinance based on the following:

- a) With respect to land use, trade and vocational schools are conditionally permitted uses in the Mixed Use Zoning District.*

- b) With respect with development standards, the project complies with setback, height, floor area ratio, landscaping and parking requirements as discussed above.

*iii. The proposed use is consistent with the Milpitas General Plan.*

The proposed cosmetology school provides for a complementary land use with the offices, retail, and restaurant establishments in the surrounding area as well provide opportunity for educational enrichment. Specifically, the proposed use supports the General Plan Policy 2.a-I-3 in that it encourages economic pursuits which will strengthen and promote development through stability and balance.

## **ENVIRONMENTAL REVIEW**

---

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 of the CEQA Guidelines, Existing Facilities. The project entails the operations of a 3,000 square foot cosmetology school within an existing commercial building. Since the tenant space is already outfitted as a beauty salon, no interior or exterior improvements are proposed

## **PUBLIC COMMENT/OUTREACH**

---

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on November 28, 2014. In addition, 350 notices were sent to owners and occupants within 1000-feet of the project site. A public notice was also provided on the project site, on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and posted at City Hall.

## **CONCLUSION**

---

The project includes a new 3,000 square foot cosmetology school. As proposed, the project complies with the development standards of the Zoning Ordinance and is consistent with the General Plan and Zoning Code. Therefore, staff recommends the Planning Commission adopts Resolution No. 14-039 approving Conditional Use Permit No. UP14-0018.

## **RECOMMENDATION**

---

STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct Public Hearing; and
2. Adopt Resolution No. 14-039 approving Conditional Use Permit No. UP14-0018 to allow for the operations of a 3,000 square feet cosmetology school located at 102 S. Abel Street.

## **ATTACHMENTS**

---

A: Resolution No. 14-039

B: Project Plans